REMARKS

Claims 1-28 remain in the application.

Reconsideration of this application is respectfully requested.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-3, 6-14, 16, 23-25, and 27-28 are rejected under 35 U.S.C. § 103 as being unpatentable over Slotznick (U.S. Patent 6,011,537) and further in view of Marcrae et al. (U.S. Pub. 2003/0005463)

Applicant reasserts argument made against Slotznick in Applicant's response to the first Office Action, dated May 19, 2003. Specifically, Slotznick is concerned with displaying information during the wait time between requesting a web page and the web page actually loading on a user's computer. Slotznick refers to the information sought by the user as "primary" information, and the additional information displayed to the user during this wait time as "secondary" information. When a user first requests primary information, a portion of the secondary information is forced upon the user. When the user then requests subsequent information, the full version of the secondary information is presented to the user during the interstitial time between the request and the loading of the subsequent primary information. It is useful, for example, in advertising on the internet.

Applicant's claimed invention doesn't distinguish between primary and secondary information. It allows the manipulation of graphical information by presenting the graphical information with an embedded command, the command being embedded in data packet, to the receiving device, and upon execution of the command by the device, the image changes. Applicant has described a novel data structure in which the image data and command are encoded in a data packet.

In claim 1, Applicant has as a limitation element c, which recites "said transmitter including an encoder for encoding into a data packet graphical image data and at least one command for the display of said graphical image data." Examiner pointed to Slotznick at col. 7, lines 1-2 as showing this element. However, Applicant finds only mention of encoding data generally. There is no mention of a specific data structure, and no mention of containing both

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image data and image manipulation commands in single data packet. Data encoding is well known, and may be done in a variety of forms, and in fact may be done on several occasions on the same data. Raw digitized voice data may be voice encoded, for example, by linear prediction techniques for compression, which may subsequently be error encoded for trans mission over a channel. Applicant's invention, as shown in FIG. 2, is packaging the image data and command together. This is what is meant by "encoding into a data packet."

A subsequent claim element, element i, recites "said controller in response to said image and said at least one command in said data packet dynamically displaying on said display said image represented by said graphical image data." Examiner pointed to col. 8, lines 30-42 of Slotznick as showing this element. However, what is described there is a general definition Slotznick uses to define what is meant by "information." It mentions scripts, animated images, OLE, and other forms of data in broad language. Applicant respectfully submits that Applicants data structure of image data packaged *with a specific command* to operate on the image data in a single packet is not disclosed. Therefore, Applicant believes Slotznick does not teach the elements of claim 1 as asserted by Examiner.

Examiner has combined Slotznick with Macrae, contending that Macrae shows, in paragraph 034, "at least one command in a data packet displaying on said display." What Macrae teaches at the cited passage is merely a description of known mark-up language, such as HTML, in which instructions for displaying an image may be embedded. These instruction are interpreted by, for example, a web browser, and used to display the image at a certain location, or in a certain format, for example, However, Macrae does not show or suggest that the command be embedded in a single data packet, as shown in Applicant's FIG. 2. .

Furthermore, Applicant contends that neither Slotznick nor Macrae are concerned with the problem sought to be solved by Applicant. Applicant seeks to reduce the data necessary to transmit images, and in particular animated images, in wireless systems such as cellular telephony systems, by including commands and image data together in single data packets. Neither Slotznick nor Macrae touch upon the problems associated with the transfer of animated images over low speed, wireless connections. Slotznick describes a means of displaying information while waiting for new information to load; Macrae describes a means of displaying Internet information on a television. Applicant contends that one of ordinary skill in the art would not be motivated to apply the teachings of Slotznick and Macrae to solve the problems

identified by Applicant. Furthermore, Applicant contends that one of ordinary skill would not be motivated to combine Slotznick and Macrae since they concern quite different technologies, and there is no motivation or suggestion in them to combine them with each other. Finally, Applicant contends that were one to combine Slotznick and Macrae, one would end up with, for example, a method of displaying Internet content on television, and where information from the Internet could be displayed in the television while waiting for other information to be loaded. Neither reference teaches or suggests Applicant's claimed method or the limitation of the particular data structure used therein.

Claims 4-5, 15, 21-22 and 26 are rejected under 35 U.S.C. § 10(a) as being unpatentable over Slotznick (U.S. Patent 6,011,537) and further in view of Diachina et al. (U.S. Patent 6,577,618).

These claims are all dependent claims relating to independent claims rejected above.

Applicant believes these claims allowable as depending from allowable independent claims.

Allowable Subject Matter:

Claim 17 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all other limitations of the base claim and any intervening claims.

Applicant gratefully thanks Examiner for the indication of allowable subject matter.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated

below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.
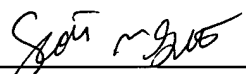
Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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